

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
1900 SAINT JAMES PLACE SUITE 500
HOUSTON, TX 77056
(713) 621-8673

BDFTE# 00000005937685

Attorney for JPMORGAN CHASE BANK, N.A.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§ CASE NO. 16-10158-TMD-7
	§
MICHAEL E HUMPHREYS and	§
DEBRA D HUMPHREYS,	§
Debtor	§ CHAPTER 7
	§
JPMORGAN CHASE BANK,	§
N.A.	§
,	§
Movant	§ HEARING DATE: _____
	§
v.	§ TIME: _____
	§
MICHAEL E HUMPHREYS and	§
DEBRA D HUMPHREYS; RON	§
SATIJA, Trustee	§
Respondents	§ JUDGE TONY M. DAVIS

**MOTION OF JPMORGAN CHASE BANK, N.A.
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) REGARDING
PROPERTY LOCATED AT 300 TALWOOD TERRAC, FRUIT COVE, FL 32259
PURSUANT TO 11 U.S.C. § 362(a) AND WAIVER OF THIRTY DAY
REQUIREMENT PURSUANT TO
§ 362(e)**

NOTICE

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within fourteen (14) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

WAIVER OF THIRTY DAY REQUIREMENT

Movant desires to waive the requirement of a Hearing within thirty (30) days under §362(e) and requests a Hearing at the next available date.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, JPMORGAN CHASE BANK, N.A., by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about February 10, 2016, Debtors (hereinafter "Debtor") filed a petition for an order of relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 7 petition, Movant held a Note executed on January 17, 2008, by MICHAEL E HUMPHREYS and DEBRA D HUMPHREYS in the original amount of ONE HUNDRED NINETEEN THOUSAND TWO HUNDRED THIRTY DOLLARS AND ZERO CENTS (\$119,230.00) with interest thereon at the rate of 3.000% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".
4. The indebtedness is secured by a Deed of Trust dated January 17, 2008 and executed by MICHAEL E HUMPHREYS and DEBRA D HUMPHREYS on real estate with

all improvements known as:

300 TALWOOD TERRAC
FRUIT COVE, FL 32259

**COMMONLY KNOWN AS 300 TALWOOD TERRAC, FRUIT COVE, FL
32259.**

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Prior to the filing of the petition, Debtor was indebted to Movant according to the terms and conditions of the Note and Deed of Trust.

6. The outstanding indebtedness to Movant is \$158,415.46 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor have failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having

all payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that JPMORGAN CHASE BANK, N.A. be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

BY: /s/ SAMUEL DAFFIN, II
SAMUEL DAFFIN, II
TX NO. 24072057
1900 SAINT JAMES PLACE SUITE 500
HOUSTON, TX 77056
Telephone: (713) 621-8673
Facsimile: (713) 621-8583
E-mail: WDECF@BDFGROUP.COM
ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I hereby certify that on April 06, 2016, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

/s/ SAMUEL DAFFIN, II

04/06/2016

SAMUEL DAFFIN, II
TX NO. 24072057
1900 SAINT JAMES PLACE SUITE 500
HOUSTON, TX 77056
Telephone: (713) 621-8673
Facsimile: (713) 621-8583
E-mail: WDECF@BDFGROUP.COM
ATTORNEY FOR MOVANT

DEBTORS:

DEBRA D HUMPHREYS
511 SILVER CREEK DR
LEANDER, TX 78641

DEBRA D HUMPHREYS
300 TALWOOD TERRAC
FRUIT COVE, FL 32259

MICHAEL E HUMPHREYS
511 SILVER CREEK DR
LEANDER, TX 78641

MICHAEL E HUMPHREYS
300 TALWOOD TERRAC
FRUIT COVE, FL 32259

TRUSTEE:

RON SATIJA
P. O. BOX 660208
AUSTIN, TX 78766

US TRUSTEE:

1760 N. LEE TREVINO DR.
EL PASO, TX 79924

DEBTOR'S ATTORNEY:

MIGHAEL J PLEDGER
901 MOPAC EXPRESSWAY SOUTH
STE 300
AUSTIN, TX 78746

PARTIES IN INTEREST:

None

PARTIES REQUESTING NOTICE:

None